HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27936 of 2007

27.12.2007

-

-

Between:

V. Shyam Sunder

… Petitioner

AND

The Forest Range Officer, Kollapur,
Mahabubnagar District & others

… Respondents

Counsel for the petitioner : Sri C. Sai Reddy

Counsel for the respondents : Assistant Government Pleader for Forests

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of respondent No.2 in issuing order dated 10.10.2007, whereby he cancelled order dated 05.10.2007 passed by him earlier permitting the petitioner to locate his saw mill at house No.2-18/61 in Boyagiri of Kollapur town as illegal and violative of principles of natural justice.

Heard Sri C. Sai Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Forests.

A perusal of the record shows that on 05.10.2007, respondent No.2 permitted shifting of the petitioner's saw mill from the place where it was being run to premises bearing House No. 2-18/61 of Boyagiri of Kollapur Town. Within five days thereafter, he issued the impugned proceedings cancelling permission given by him earlier. Learned counsel for the petitioner submitted that respondent No.2 has

not given any notice or opportunity to the petitioner before cancelling the permission granted by him earlier. A perusal of the impugned order does not show that the same was preceded by an action-oriented notice. The law is well-settled that any order which involves adverse civil consequences shall be preceded by a notice to the person likely to be aggrieved by such an order **(** See **State of Orissa v. Dr. (Miss) Binapani Dei**[1], **A.K. Kraipak v. Union of India**[2], **S.L. Kapoor v. Jagmohan**[3], **Swadeshi Cotton Mills Co. Ltd. v. Union of India**[4], **Maneka Gandhi v. Union of India**[5] and **Olga Tellis v. Bombay Municipal Corporation**[6]**)**.

Since the impugned order is evidently passed in violation of the principles of natural justice, without going into the merits of the case, I deem it proper to set aside the same. Respondent No.2 is, however, left free to initiate fresh proceedings after giving notice and opportunity to the petitioner to submit his objections to the proposed action. Ordered accordingly.

As a sequel to disposal of the writ petition, W.P.M.P.No. 36537 of 2007 filed by the petitioner for interim relief is dismissed.

C.V.NAGARJUNA REDDY, J

27.12.2007

ksld

[1] AIR 1967 SC 1269

[2] AIR 1970 SC 150

[3] AIR 1981 SC 136

[4] AIR 1981 SC 818 = (1981) 1 SCC 664

[5] AIR 1978 SC 597

[6] AIR 1986 SC 180